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6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,)	No. CR 10-00909 JF
)	
12 Plaintiff,)	STIPULATION AND {PROPOSED}
)	ORDER CONTINUING STATUS
13 vs.)	HEARING DATE AND EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
14 JUAN ALVAREZ-CARDENAS,)	
)	
15 Defendant.)	
_____)	
16		

17 **STIPULATION**

18 The parties, Juan Alvarez-Cardenas and the government, acting through their respective
19 counsel, hereby stipulate, subject to the Court's approval, that the status hearing date currently
20 set for June 9, 2011, be vacated and continued to June 30, 2011, at 9:00 a.m.

21 Counsel for Mr. Alvarez-Cardenas respectfully ask that the Court continue the June 9,
22 2011, status hearing date to grant the defense additional time to complete its investigation and
23 research, and allow the parties to continue their settlement discussions.

24 The parties further agree and stipulate that time should be excluded from June 9, 2011,
25 through and including June 30, 2011, to provide defense counsel further time to effectively
26 prepare, for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code,

1 Section 3161(h). Accordingly, Mr. Juan Alvarez-Cardenas and the government agree that
2 granting the requested exclusion of time will serve the interest of justice and the ends of justice
3 outweigh the interest of the public and the defendant in a speedy trial.

4 IT IS SO STIPULATED.

5 Dated: May 24, 2011

6 _____/s/
7 VARELL L. FULLER
Assistant Federal Public Defender

8 Dated: May 24, 2011

9 _____/s/
SUZANNE M. DEBERRY
Special Assistant United States Attorney

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12 //
13 //

14 ~~[PROPOSED]~~ ORDER

15 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
16 ORDERED that the hearing currently set for June 9, 2011, shall be continued to Thursday, June
17 30, 2011, at 9:00 a.m., and 21 days are excluded from computation under the Speedy Trial Act.

18 THE COURT FINDS that failing to exclude the time between June 9, 2011, and June 30,
19 2011, would unreasonably deny defense counsel reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
21 3161(h)(7)(B)(iv).

22 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
23 between June 9, 2011, and June 30, 2011, from computation under the Speedy Trial Act
24 outweigh the interests of the public and the defendant in a speedy trial.

25 IT IS SO ORDERED.

26 Dated: 6/8 _____, 2011



THE HONORABLE JEREMY FOGEL
United States District Judge